

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

**SUPERSEDING INDICTMENT FOR VIOLATIONS OF THE FEDERAL
CONTROLLED SUBSTANCES ACT, CONSPIRACY TO MURDER A PERSON
ASSISTING FEDERAL AGENTS, AND TAMPERING WITH A WITNESS**

UNITED STATES OF AMERICA

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CRIMINAL NO: 07-425

v.

*

SECTION: "J"

BYRON NEAL

a/k/a "Kabooby"

*

VIOLATION: 21 U.S.C. § 841(a)(1)

SHAD NEAL

a/k/a "Boogie"

*

18 U.S.C. § 1117

18 U.S.C. § 1512

18 U.S.C. § 2

* * *

The Grand Jury charges that:

COUNT 1

Distribution of Fifty Grams or More of Cocaine Base

On or about July 18, 2007, in the Eastern District of Louisiana, the defendant, **BYRON NEAL, a/k/a "Kabooby"**, did knowingly and intentionally distribute fifty grams or more of cocaine

base (“crack”), a Schedule II narcotic drug controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(A).

COUNT 2

Distribution of Fifty Grams or More of Cocaine Base

On or about October 29, 2007, in the Eastern District of Louisiana, the defendant, **BYRON NEAL, a/k/a “Kabooby”**, did knowingly and intentionally distribute fifty grams or more of cocaine base (“crack”), a Schedule II narcotic drug controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(A).

COUNT 3

Possession with Intent to Distribute a Quantity of Cocaine Base

On or about October 29, 2007, in the Eastern District of Louisiana, the defendant, **BYRON NEAL, a/k/a “Kabooby”**, did knowingly and intentionally possess with the intent to distribute a quantity of cocaine base (“crack”), a Schedule II narcotic drug controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

COUNT 4

Conspiracy to Murder CS-07-126261, a Person Assisting the United States Drug Enforcement Administration

A. THE CONSPIRACY

Beginning at a time unknown and continuing until on or about January 27, 2009, in the Eastern District of Louisiana and elsewhere, the defendants, **BYRON NEAL, a/k/a “Kabooby”**, and **SHAD NEAL, a/k/a “Boogie”**, did knowingly combine, conspire, confederate, and agree with each other and with other persons known and unknown to the grand jury to kill, a known confidential

informant registered with the United States Drug Enforcement Administration (DEA), herein identified through his DEA registration number, CS-07-126261, who assisted the agents of the DEA in their investigation into the illegal distribution of cocaine base by **BYRON NEAL** on account of CS-07-126261's assistance to agents of the DEA in the performance of their official duties as officers of the United States Government; in violation of Title 18, United States Code, Sections 1111 and 1114.

B. OVERT ACTS

In furtherance of the above-described conspiracy, the defendants, **BYRON NEAL** and **SHAD NEAL**, and others known and unknown, committed the following overt acts among others.

1. On or about January 25, 2009, **BYRON NEAL**, under indictment in Case No. 07-425 "J" for cocaine base distribution offenses involving distributions to CS-07-126261, discussed his plan to murder CS-07-126261 with an unknown female and **SHAD NEAL**. During this recorded conversation **BYRON NEAL**, who was incarcerated in the Orleans Parish Prison, asked the female: "Is Boogie over there? . . . I need to talk to him about something very important." In explaining why he needed to speak to **SHAD NEAL**, **BYRON NEAL** further stated to the female, "you want me to come home? . . . That little problem, you know, . . . somebody, my peeps, got to take care of it. That's the only way." **BYRON NEAL** further inquired about his ability to borrow two to three thousand dollars from the female when he asked "you gonna lend me two or three? . . . I just want to make sure before I lock the deal." Finally, **BYRON NEAL** told the female "I got to do, what I got to do" and that he "can't take no chances."

2. Also, on or about January 25, 2009, during the same recorded conversation involving **BYRON NEAL** after the female handed the telephone to **SHAD NEAL**, **BYRON NEAL** asked **SHAD NEAL**: "What's his name still running around?" To wit **SHAD NEAL** replied "Yeah." Later in the conversation, **BYRON NEAL** stated to **SHAD NEAL**, "I got someone to holler at you." and "It's gonna be three (referring to the price to have CS-07-126261 killed)." When **SHAD NEAL** inquired "When you going back to court?" **BYRON NEAL** replied, "My trial is February 17th. Yeah, see what I am saying?" During this conversation with **SHAD NEAL**, **BYRON NEAL** added "I got to do something." "Thirty years I am looking at." This conversation also included a discussion contemplating **BYRON NEAL** providing a third party **SHAD NEAL**'s cellular telephone number to arrange

a future meeting between **SHAD NEAL** and a third party **BYRON NEAL** and **SHAD NEAL** believed would kill CS-07-126261 for payment.

____ 3. Between January 26, 2009 and January 27, 2009, both **BYRON NEAL** and **SHAD NEAL** each participated in recorded telephone conversations with DEA Task Force Agent Ricky Jackson(acting in an undercover capacity) with the purpose of furthering the conspiracy to kill CS-07-126261.

4. On January 27, 2009, TFA Jackson met with **SHAD NEAL**. During this meeting, **SHAD NEAL** discussed a down payment of money two days later for purposes of killing CS-07-126261. Also during this meeting, **SHAD NEAL** provided TFA Jackson the name of CS-07-126261 and showed TFA Jackson where CS-07-126261 lived and worked in addition to suggesting escape routes for TFA Jackson after CS-07-126261 was killed.

____All in violation of Title 18, United States Code, Section 1117.

COUNT 5

Tampering with a Witness or Informant

____Beginning at a time unknown and continuing until on or about January 27, 2009, in the Eastern District of Louisiana and elsewhere, the defendants, **BYRON NEAL, a/k/a “Kabooby”**, and **SHAD NEAL, a/k/a “Boogie”**, did knowingly attempt to kill a known confidential informant registered with the United States Drug Enforcement Administration, herein identified through his DEA registration number, CS-07-126261, to prevent the attendance and testimony of CS-07-126261 at an official proceeding, the February 17, 2009 trial of United States v. Byron Neal, in violation of Title 18, United States Code, Sections 1512(a)(1)(A) and 2. _____

NOTICE OF FORFEITURE

1. The allegations of Counts 1 through 3 of this indictment are realleged and incorporated by reference as though set forth fully herein for the purpose of alleging forfeiture to the United States of America pursuant to the provisions of Title 21, United States Code, Section 853.
2. As a result of the offenses alleged in Counts 1 through 3, the defendant, **BYRON NEAL**, shall forfeit to the United States pursuant to Title 21, United States Code, Section 853, any and all property constituting or derived from any proceeds the defendants obtained directly or indirectly as a result of the said violation and any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of the violations alleged in Counts 1 through 3 of this indictment.
3. If any of the above described forfeitable property, as a result of any act or omission of the defendant:
 - a. cannot be located upon the exercise of due diligence;
 - b. has been transferred or sold to, or deposited with, a third person;
 - c. has been placed beyond the jurisdiction of the Court;
 - d. has been substantially diminished in value; or
 - e. has been commingled with other property which cannot be subdivided without difficulty;

It is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of said defendant up to the value of the above forfeitable property.

All in violation of Title 21, United States Code, Section 853.

A TRUE BILL:

FOREPERSON

JIM LETTEN
United States Attorney
La. Bar Roll No. 8517

JAN MASELLI MANN
Chief, Criminal Division
Assistant United States Attorney
La. Bar Roll No. 9020

WILLIAM J. QUINLAN, JR.
Assistant United States Attorney
La. Bar Roll No. 22600

MATT CHESTER
Assistant United States Attorney
Texas Bar No. 24045650

New Orleans, Louisiana
February 5, 2009